

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

OMOWALE ASHANTI SHABAZZ,)
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Plaintiff,)
)
)
v.) **No. 3:13-00091**
) **Judge Sharp**
DERRICK SCHOFIELD, et al.,)
)
)
Defendants.)

ORDER

As a housekeeping matter, Plaintiff's Objection (Docket No. 502) to the Magistrate Judge's Report and Recommendation (Docket No. 490) is denied, as the underlying subject was addressed in this Court's April 16, 2015 Order (Docket No. 539). Further, that Objection, as well as his Objection (Docket No. 537) seeking a review of the Magistrate Judge's Order (Docket No. 524), are subject to being denied because, after their filing, counsel was appointed to represent Plaintiff and the Magistrate Judge entered an Order (Docket No. 607) denying the pending Motions filed by Plaintiff.

In the April 16, 2015 Order, the Court returned Plaintiff's request for injunctive relief to the Magistrate Judge for further consideration. Since then, the Magistrate Judge has issued a Report and Recommendation (Docket No. 608) recommending that Plaintiff's Motion for a Temporary Injunction (Docket No. 245) be denied. Plaintiff has filed an Objection (Docket No. 635) to that Report and Recommendation, as well as to other Orders of the Magistrate Judge. However, because counsel has been appointed to represent Plaintiff at his request, filings are to be made by counsel. Moreover, the Court has undertaken review of the Report and Recommendation in accordance with Rule 72 of the

Federal Rules of Civil Procedure, and agrees that the requested injunctive relief should be denied.

Counsel on behalf of Plaintiff has filed a Limited Objection (Docket No. 637) to the Magistrate Judge's Order (Docket No. 607) insofar as it denied Plaintiff's Summary Judgment Motions (Docket No. 428, 450, 454, 458, 462, 466, 551,556). The Magistrate Judge denied those Motions in light of the fact that counsel has been appointed for Plaintiff. The Court cannot say that decision was clearly erroneous or contrary to law. Moreover, in response to the first Motion for Partial Summary Judgment, Defendants filed a Motion to Dismiss for failure to exhaust administrative remedies and, as a part of that Motion, requested that Plaintiff's Motions for Partial Summary Judgment be denied. As for the others, counsel for Defendants has confessed error in failing to respond due to the sheer volume of filings in this case. While that confession does not excuse the failure to timely respond, even a casual perusal of Plaintiff's *pro se* Motions suggest that some are not well taken and it is best to decide this case on the merits, rather than on what effectively would be a default.

Accordingly, the Court rules as follows:

- (1) Plaintiff's Objections (Docket Nos. 501, 502, 537, 635 & 677) are OVERRULED;
- (2) The Report and Recommendation (Docket No. 608) is ACCEPTED and APPROVED; and
- (3) Plaintiff's Motion for Preliminary Injunction (Docket No. 245) is hereby DENIED.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE